

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: NATIONAL SPORTS ATTRACTION, LLC, et al., Debtors.	Chapter 7 Case No. 09-11162 (RDD)
STRUCTURE-TONE, INC., et al., Plaintiffs, vs. PHILIP SCHWAB, et al. Defendants.	Adversary Proceeding No. 09-01438

**ORDER GRANTING MOTION OF THE BANK OF NEW YORK MELLON TO
DISMISS COMPLAINT**

Upon the motion, filed October 23, 2009 [Docket 11], of defendant herein The Bank of New York Mellon, as Indenture Trustee, to dismiss the within complaint (the “Motion for Dismissal”); and the Court having considered the Complaint herein, the Memorandum of Law of Bank of New York Mellon in Support of Motion for Dismissal of Complaint and Other Relief [Docket 12], the Declaration of Alex T. Chang in Support of Motion for Dismissal and Other Relief [Docket 13] and the exhibits appended thereto, the Opposition [Brief] to Motion to Dismiss [Docket 30], the Opposition to Motion to Dismiss [Docket 29] and the exhibits appended thereto, and the Reply Memorandum of Law of The Bank of New York Mellon in Support of its Motion for Dismissal of Complaint and Other Relief [Docket 33]; and upon the record of the hearing on the Motion for Dismissal held by the Court on February 19, 2010 (the

“Hearing”); and there being due and sufficient notice of the Motion for Dismissal and the Hearing on all parties-in-interest herein; and after due deliberation, including consideration of the papers filed, the arguments of counsel in support of and in opposition to the Motion for Dismissal; and for good and sufficient cause, for the reasons stated by the Court at the Hearing, it is

ORDERED, that the Motion for Dismissal is GRANTED; and it is further

ORDERED, that the Complaint is dismissed as to captioned defendant The Bank of New York a/k/a The Bank of New York Mellon.

Dated: March 1, 2010
White Plains, New York

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE